

ORDINANCE NO. 1015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BUILDING PERMIT APPLICATION REQUIREMENTS FOR MULTI UNIT RESIDENTIAL STRUCTURES OR REHABILITATIVE CONSTRUCTION, ADOPTING THE NEW REQUIREMENTS IMPOSED BY EHB 1848, AMENDING SECTIONS 15.08.020, 15.08.040 AND 15.08.050, ADOPTING A NEW SECTION 15.08.021 AND 15.08.041 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Washington State Legislature adopted EHB 1848, which imposed new requirements on City permitting of multiunit residential structures and rehabilitative construction; and

WHEREAS, state law requires that the City list all of the materials necessary for a complete project permit application, including building permit applications (RCW 36.70B.080); and

WHEREAS, EHB 1848 has established new requirements for the materials that must be submitted to the City in order for the City to issue a building permit for multiunit residential structures and rehabilitative construction; and

WHEREAS, the City's Building Code must be amended to reflect the new requirements imposed by EHB 1848; Now, therefore:

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,
ORDAINS AS FOLLOWS:

Section 1. Section 15.08.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.08.020 Amendment to IBC Section 105. Section 105 of the International Building Code is amended as follows:

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105.3.1.1 Applications for multiunit residential buildings. The building official shall not issue a building permit for construction of the building enclosure of a multiunit residential building or for rehabilitative construction unless the building enclosure design documents contain a stamped statement by the person stamping the building enclosure design documents in substantially the following form: "The undersigned has provided building enclosure documents that are in my professional judgment are appropriate to satisfy the requirements of EHB 1848."

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105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents or other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

Multiunit residential buildings: The building official is not charged with determining whether building enclosure design documents are adequate or appropriate to satisfy the requirements of EHB 1848. Nothing in EHB 1848 or this code requires the building official to review, approve or disapprove enclosure documents.

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Section 2. A new Section 15.08.021 is hereby adopted, which shall read as follows:

15.08.021 Amendment to IBC Section 106.1. Section 106.1 of the IBC is amended to read as follows:

106.1 Submittal documents. Construction documents, special inspection and structural observation programs, and other data shall be submitted in one or more sets with each application for a permit. The construction documents shall

be prepared by a registered design professional where required by the statutes of the jurisdiction where the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Multiunit residential structures and rehabilitative construction. Any person applying for a building permit for construction of a multiunit residential building or rehabilitative construction shall submit building enclosure design documents to the appropriate building department prior to the start of construction or rehabilitative construction of the building enclosure. If construction work on a building enclosure is not rehabilitative construction because the cost thereof is not more than five percent of the assessed value of the building, then the person applying for the building permit shall submit to the building department a letter so certifying. Any changes to the building enclosure design documents that alter the manner in which the building or its components is waterproofed, weatherproofed, and otherwise protected from water or moisture intrusion shall be stamped by an architect or engineer and shall be provided to the building department and to the person conducting the course of construction inspection in a timely manner to permit such person to inspect for compliance therewith, and may be provided through individual updates, cumulative updates, or as-built updates.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

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106.3 Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Multiunit residential structures or rehabilitative construction. The building official is not charged with determining whether the building enclosure design documents are adequate or appropriate to satisfy the requirements of EHB 1848. Nothing in EHB 1848 requires a building department to review, approve or disapprove enclosure design documents.

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Section 4. Section 15.08.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.08.041 Amendment to IBC Section 109.3.8. Section 109.3.8 of the IBC is hereby amended to read as follows:

109.3.8 Other Inspections. In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

It is the applicant's responsibility to provide the "qualified inspector" and assure that the building envelope inspections required under EHB 1848 are performed. The Department of Building Safety is not responsible for approving the qualifications of the inspector or for performing these inspections.

Section 5. Section 15.08.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.08.050 Amendment to IBC Section 110. Section 110 of the IBC is hereby amended to read as follows:

110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Upon completion of the inspection required by EHB 1848 by a qualified inspector, the qualified inspector shall prepare and submit to the appropriate building official a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that it has been constructed or reconstructed in substantial compliance with the building enclosure design documents, as updated pursuant to Section 3 of EHB 1848. The building department shall not issue a final certificate of occupancy or other equivalent final acceptance until the letter required by this section has been submitted. The building department and/or building official is not charged with and has no responsibility for determining whether the building enclosure inspection is adequate or appropriate to satisfy the requirements of EHB 1848.

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Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 7. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 26th day of September, 2005.

CITY OF GIG HARBOR

GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By _____
Molly Towslee, City Clerk

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY

By _____
Carol A. Morris

FILED WITH THE CITY CLERK: 9/7/05
PASSED BY THE CITY COUNCIL: 9/26/05
PUBLISHED: 9/28/05
EFFECTIVE DATE: 10/3/05
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